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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,097	09/09/2003	Yih-Shin Weng	MTKP0054USA	2096
27765	7590	02/20/2007		
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION			EXAMINER	
P.O. BOX 506			GUPTA, PARUL H	
MERRIFIELD, VA 22116				
			ART UNIT	PAPER NUMBER
			2627	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/20/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

winstonhsu@naipo.com

Office Action Summary

Application No.

10/605,097

Applicant(s)

WENG, YIH-SHIN

Examiner

Parul Gupta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-18 are pending for examination as interpreted by the examiner. The arguments filed on 7/31/06 were also considered with the following results.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe et al., US Patent Publication 2002/0181356.

Regarding claim 1, Watanabe et al. teaches a method for accessing a variable memory (element 300 of figures 10 and 11) of an optical disk drive (figure 10) comprising following steps: (a) utilizing the optical disk drive to read data of an optical disk (element 2 of figure 10) and identifying the type of the data (paragraph 0132); (b) if the type of the data is first optical disk (DVD-ROM of paragraph 0136) data, storing reading ("control information") variables from an initial address (figure 11) of the variable memory (paragraph 0135); and (c) if the type of the data is second optical disk (DVD-R of paragraph 0136) data, storing reading variables from the initial address (shown in figure 11) of the variable memory (paragraphs 0135); wherein an arrangement of the variable memory is fixed (figure 11 explains that the arrangement is fixed regardless of

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type of medium). The capacity of the variable memory (element 300 of figure 10) is only 256 Kbytes in total (paragraph 0137). The fact that each arrangement in figure 11 totals to exactly 256 Kbytes means that the arrangements must replace each other within the variable memory, based on type of disk inserted. Thus, all of the types of media must have the same initial address.

Regarding claim 2, Watanabe et al. teaches the method of claim 1 wherein the first optical disk data type is CDDA, VCD, CD-ROM, CD-R, or CD-RW, and the second optical disk data type is DVD-ROM, DVD-R, DVD-RW, DVD+R, DVD+RW, or DVD-RAM. Paragraph 0008 gives all of the different data types that can be used in the reference.

Regarding claim 3, Watanabe et al. teaches the method of claim 1 wherein the reading variables in step (b) or (c) are related to content of the optical disk (paragraph 0135).

Regarding claim 4, Watanabe et al. teaches the method of claim 1 wherein when the optical disk drive stores the reading variables in step (b) or (c) in the variable memory, the reading variables replace reading variables of a last-inserted optical disk stored in the initial address (figure 11) of the variable memory. Paragraph 0133 describes how the memory is reallocated based on the type of disk inserted into the drive. Thus, the memory is changed from disk to disk.

Regarding claims 5 and 10, Watanabe et al. teaches the method of claims 1 and 8, respectively, further comprising storing common reading variables necessary for the optical disk drive to access the optical disk into the variable memory, wherein the

common reading variables include drive configuration, status, or tray status. Paragraphs 0132 and 0133 describe how the determination of type of disk, which includes drive configuration, is stored in the variable memory.

Regarding claims 6 and 11, Watanabe et al. teaches the method of claims 5 and 10, respectively, wherein the common reading variables stored in the variable memory (element 300 of figures 10 and 11) will not be replaced (paragraph 0066 and 0083).

Regarding claims 7, 12, and 18, Watanabe et al. also teaches an optical disk drive for performing the method of claims 1, 8, and 13, respectively (paragraph 0132).

Regarding claim 8, Watanabe et al. teaches a method for accessing a variable memory (element 300 of figures 10 and 11) of an optical disk drive (figure 10) comprising following steps: (a) utilizing the optical disk drive to read data of a DVD (element 2 of figure 10) and identifying the type of the data (paragraph 0132); (b) if the type of the data is DVD-ROM data, storing reading variables at an initial address (figure 11) of the variable memory (paragraphs 0132 and 0136); and (c) if the type of the data is DVD-RAM data, storing reading variables at the initial address (figure 11) of the variable memory (paragraphs 0132 and 0135); wherein an arrangement of the variable memory is fixed (figure 11 explains that the arrangement is fixed based on type of medium as explained in the rejection to claim 1 above).

Regarding claim 9, Watanabe et al. teaches the method of claim 8 wherein when the optical disk drive (figure 10) stores the reading variables in step (b) or (c) in the variable memory (element 300 of figures 10 and 11), the reading variables replace reading variables of a last-inserted optical disk stored in the initial address in the

variable memory. Paragraph 0133 describes how the memory is reallocated based on the type of disk inserted into the drive. Thus, the memory is changed from disk to disk.

Regarding claim 13, Watanabe et al. teaches a method for accessing a variable memory (element 300 of figures 10 and 11) of an optical disk drive comprising following steps: (a) utilizing the optical disk drive (figure 10) to read and write data of an optical disk and identifying the type of the data (paragraph 0132); (b) if the type of the data is first recordable optical disk (such as DVD-ROM) data, arranging writing variables from a first initial address (figure 11) of the variable memory (paragraph 0140); and (c) if the type of the data is second recordable optical disk (such as DVD-R) data, arranging writing variables at the first initial address (figure 11) of the variable memory (paragraph 0139); wherein an arrangement of the variable memory is fixed (figure 11 explains that the arrangement is fixed based on type of medium as explained in the rejection to claim 1 above).

Regarding claim 14, Watanabe et al. teaches the method of claim 13 wherein the first recordable optical disk data type is CD-R or CD-RW, and the second recordable optical disk data type is DVD-R, DVD-RW, DVD+R, DVD+RW, or DVD-RAM. Paragraph 0008 gives all of the different data types that can be used in the reference.

Regarding claim 15, Watanabe et al. teaches the method of claim 13 wherein when the optical disk drive stores the writing variables in step (b) or (c) in the variable memory (element 300 of figures 10 and 11), the writing variables replace writing variables of a last-inserted optical disk stored in the first initial address (figure 11) in the

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variable memory. Paragraph 0133 describes how the memory is reallocated based on the type of disk inserted into the drive. Thus, the memory is changed from disk to disk.

Regarding claim 16, Watanabe et al. teaches the method of claim 13 further comprising: if the type of the data is first recordable optical disk (such as DVD-ROM) data, arranging reading variables from a second address (shown as "information storage region" in figure 11) of the variable memory (memory 400); and if the type of the data is second recordable optical disk (such as DVD-R) data, arranging reading variables from the second initial address (shown as "information storage region" in figure 11) of the variable memory (memory 400).

Regarding claim 17, Watanabe et al. teaches the method of claim 16 wherein the first and second initial addresses are different in figure 11. The method of choosing different addresses and regions for different types of media is given in paragraphs 0138-0140.

Response to Arguments

3. Applicant's arguments with respect to the claimed invention have been considered, but are not persuasive.

Regarding claim 1, applicant contends that the reference does not have an arrangement of the variable memory that is fixed. However, the arrangement of the memory is fixed based on the type of recording medium used as given in figure 11.

Regarding claims 5 and 11, applicant contends that the reference does not teach common reading variables utilized when reading all kinds of optical disks. However, based on the claim language, the reference teaches common reading variables utilized

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with various kinds of optical disks, which are never specified to be different types of disks that do not utilize different optical systems such as write-once and read-only phase change as disclosed in the reference.

Regarding claims 6 and 12, applicant contends that the reference does not teach that the control information stored in the fixed position in memory is never updated or replaced. However, the given section mentions that "even when the optical disc is replaced with another one, newly-obtained determination data is compared with the stored data" suggesting that the stored data (which is already given to be the control information) is not updated or replaced as it must be compared with other data later. This is further explained at the end of paragraph 0083.

Regarding claims 16 and 17, applicant contends that the control information is not categorized into reading variables and writing variables and storing the reading variables and writing variables in the variable memory respectively. The examiner believes that the applicant meant claims 15-17. However, the concept of having separate areas for separate control information is clearly taught in figure 2.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

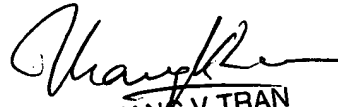
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Parul Gupta whose telephone number is 571-272-5260. The examiner can normally be reached on Monday through Thursday, from 8:30 AM to 7 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PHG
2/5/07


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PRIMARY EXAMINER